

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

Case # 19-CV-6704-FPG

v.

DECISION AND ORDER

GREEN LANTERN INN, INC., et al.,

Defendants.

Plaintiff Equal Employment Opportunity Commission (“EEOC”) brings this action against Defendants Green Lantern Inn, Inc. and Pullman Associates, LLC, alleging that Defendants violated Title VII of the Civil Rights Act of 1964. ECF No. 55. On June 1, 2021, the EEOC moved for partial summary judgment on the issue of whether Defendants constitute a single employer for purposes of Title VII liability. ECF No. 91. On March 8, 2022, Magistrate Judge Mark W. Pedersen—pursuant to a referral by the undersigned, ECF No. 92—issued a Report & Recommendation (“R&R”) in which he recommended that the motion be granted. ECF No. 128. No objections have been filed.

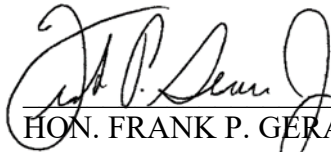
Generally, a court reviews portions of an R&R to which a party makes specific objections *de novo*. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). When a party does not object to the R&R, however, the court will review it for clear error. *EEOC v. AZ Metro Distributors, LLC*, 272 F. Supp. 3d 336, 339 (E.D.N.Y. 2017). “When performing such a clear error review, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Boice v. M+W U.S., Inc.*, 130 F. Supp. 3d 677, 686 (N.D.N.Y. 2015) (internal quotation marks omitted). After conducting the appropriate review, the court may “accept, reject,

or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”
28 U.S.C. § 636(b)(1)(C).

Although no objections have been filed, the Court has conducted a *de novo* review of the record, the briefing, and Judge Pedersen’s R&R. Having conducted that review, the Court concurs with Judge Pedersen’s thorough, reasoned analysis, and it therefore ADOPTS Judge Pedersen’s R&R (ECF No. 128) and GRANTS the EEOC’s motion for partial summary judgment (ECF No. 91). By separate order, the Court will schedule a status conference to hear from the parties about the progress of this action.

IT IS SO ORDERED.

Dated: May 12, 2022
Rochester, New York



HON. FRANK P. GERACI, JR.
United States District Judge
Western District of New York